IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.754 OF 2005

Ms.Mahua Ghosh ..Petitioner

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.S.R.Pandey Advocate for Petitioner
Ms.S.V.Gajare A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 5,2005

P.C.

1. Heard the learned advocate for the Petitioner and the learned A.P.P. for the State. None appears for the respondent no.2-original complainant though served.

2. The petitioner is seeking quashing of process issued by the learned M.M., 13th Court at Dadar Mumbai in C.C.No.130/SLC/04. In the said case process is issued under Sections 23 and 24 of the

Contract Labour (Regulation and Abolition) Act, 1970.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks.

5. On the necessary revision being preferred by

the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]